

Remarks:

Claims 3-20 are now pending in this application. Applicants have cancelled claims 1 and 2 and presented new claims 3-20 to clarify the present invention. Applicants respectfully request favorable reconsideration of this case.

Applicants have amended the specification to insert reference to the priority application, which was identified in the application data sheet submitted with the application as filed, to delete references to the claims and to correct typographical errors.

Applicants present an abstract of the disclosure herewith on a separate sheet.

The Examiner rejects claim 1 under 35 U.S.C. § 102(b) as being anticipated by U.S. patent 6,038,490 to Dimitri et al.

Dimitri et al. does not disclose the present invention as recited in newly presented independent claim 3 since, among other things, Dimitri et al. does not disclose a system for detecting objects from a flow of a plurality of objects present in an operation area. Rather, Dimitri et al. appears to disclose a system that includes selecting storage media stored in fixed locations. It follows that Dimitri et al. does not disclose the present invention as recited in claims 4-10, which depend from claim 3.

Dimitri et al. also does not disclose the present invention as recited in newly presented

independent claim 11 since, among other things, Dimitri et al. does not disclose a method that includes detecting the plurality of moving objects present in the operation area. Rather, Dimitri et al. appears to disclose a method that includes selecting storage media stored in fixed locations. It follows that Dimitri et al. does not disclose the present invention as recited in claims 12-20, which depend from claim 11.

In view of the above, Dimitri et al. does not disclose all elements of the present invention as recited in newly presented claims 3-20. Since Dimitri et al. does not disclose all elements of the present invention as recited in claims 3-20, the present invention, as recited in claims 3-20, is not properly rejected under 35 U.S.C. § 102(b). For an anticipation rejection under 35 U.S.C. § 102(b) no difference may exist between the claimed invention and the reference disclosure. *See Scripps Clinic and Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q. 841 (C.A.F.C. 1984).

Along these lines, anticipation requires the disclosure, in a cited reference, of each and every recitation, as set forth in the claims. *See Hodosh v. Block Drug Co.*, 229 U.S.P.Q. 182 (Fed. Cir. 1986); *Titanium Metals Corp. v. Banner*, 227 U.S.P.Q. 773 (Fed. Cir. 1985); *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 1 U.S.P.Q.2d 1081 (Fed. Cir. 1986); and *Akzo N.V. v. U.S. International Trade Commissioner*, 1 U.S.P.Q.2d 1081 (Fed. Cir. 1986).

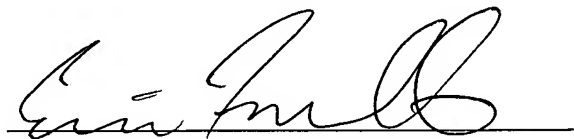
In view of the above, the reference relied upon in the office action does not disclose patentable features of the present invention. Therefore, the reference relied upon in the office action does not anticipate the present invention. Accordingly, Applicants submits that the present invention is patentable over the cited reference.

If an interview would advance the prosecution of this application, Applicants respectfully urge the Examiner to contact the undersigned at the telephone number listed below.

The undersigned authorizes the Commissioner to charge fee insufficiency and credit overpayment associated with this communication to Deposit Account No. 22-0261.

Respectfully submitted,

Date: 8/14/06

A handwritten signature in black ink, appearing to read "Eric Franklin", written over a horizontal line.

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